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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.484 OF 2007

Amarpratik Builders (I) Pvt.Ltd. Appellant
versus
Indira Dinesh Jain & others Respondents

ALONG WITH
APPEAL FROM ORDER NO.485 OF 2007

Amarpratik Builders (I) Pvt.Ltd. Appellant
versus
Meena Prakash Jain & others Respondents

Mr.G.S.Singh for appellants.

CORAM : A.S.OKA, J.

DATE : 25th June 2007

PC :

1. Heard learned advocate for the appellants. He submitted that at the ad-interim stage the learned Trial Judge has passed an order of very drastic nature which is not even prayed for in the suit. He submitted that though the learned Trial Judge restrained the appellant from disconnecting the electricity and water supply to the premises occupied by the plaintiffs, no directions has been given for payment of water

and electricity charges.

2. The impugned order which is passed on 10th March 2007 is an ad-interim order. It is not in dispute that the Notice of Motion taken out by the original plaintiffs is still pending and the appellant has filed a reply to the Notice of Motion. The ad-interim order passed by the Trial Court is operating for last more than three months.

3. Considering the nature of the controversy, ends of justice will be served if the pending Notice of Motion is directed to be disposed of expeditiously. The contentions which are raised by the appellant in these appeals can always be raised by the appellant before the learned Trial Judge.

4. Subject to what is stated above the appeals are dismissed.

5. Hearing of the Notice of Motion is expedited and the same shall be decided within a period of eight weeks from the date on which an authenticated copy of this order is produced before the Trial Court.

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6. The Trial Court will decide the pending Notice of Motion without being influenced by the tentative observations made in the impugned order and confirmation of the said order by this Court. All contentions of the parties in the pending Notice of Motion are expressly kept open.

7. Parties and all concerned to act on an ordinary copy of this order duly authenticated by Registry of this Court.

8. In view of disposal of Appeals from Order, Civil Application Nos.659 of 2007 and 660 of 2007 do not survive and stand dismissed as such.

(A.S.OKA, J.)